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8 Attorneys for Plaintiff
UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TERESO GUADALUPE MARTINEZ REYES,

15 Defendant.

No. CR 5:25-cr-102-MWF

16 GOVERNMENT'S SENTENCING POSITION

Hearing Date: July 14, 2025

Hearing Time: 1:30 p.m.

Location: Courtroom of the
Hon. Michael W.
Fitzgerald

17
18 Plaintiff United States of America, by and through its counsel
19 of record, the United States Attorney for the Central District of
20 California and Assistant United States Attorney Rahul R.A. Hari,
21 hereby files its Sentencing Position for defendant Tereso Guadalupe
22 Martinez Reyes.

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1 The government's Sentencing Position is based upon the attached
2 memorandum of points and authorities, the files and records in this
3 case, the Presentence Investigation Report and Recommendation Letter,
4 and any other evidence or argument that the Court may permit.

5 Dated: June 30, 2025

Respectfully submitted,

6 BILAL A. ESSAYLI
United States Attorney

7 CHRISTINA T. SHAY
8 Assistant United States Attorney
9 Chief, Criminal Division

10 /s/
11 RAHUL R.A. HARI
Assistant United States Attorney

12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In March 2025, just one month after being removed from the United States and within a day of reentering the United States, defendant Tereso Guadalupe MARTINEZ REYES was arrested by law enforcement with over \$60,000 of sneakers stolen from interstate commerce. Defendant pled guilty to one count of possession of goods stolen from an interstate shipment in violation of 18 U.S.C. § 659. (Dkt. 18.)

On June 10, 2025, the United States Probation and Pretrial Services Office ("USPO") filed its Presentence Investigation Report (Dkt. 22 (the "PSR")) and Recommendation Letter (Dkt. 21 (the "Recommendation Letter")). In the PSR, Probation determined that (1) defendant's total offense level is 8; (2) defendant's criminal history category is I; and (3) defendant's Sentencing Guidelines range is 0 to 6 months' imprisonment. (PSR at 3.)

The government concurs with USPO's calculation of the applicable guidelines range and respectfully requests that the Court sentence defendant to 4 months' imprisonment, to be followed by a one-year of supervised release, and a one-hundred-dollar special assessment.¹

II. STATEMENT OF FACTS

Defendant admitted to the following facts at his change of plea hearing and in the plea agreement. (Dkts. 18-19.)

On February 4, 2025, defendant Martinez Reyes was removed from the United States. Defendant thereafter re-entered the United States and, on or about March 13, 2025, defendant was found in the United

¹ The government concurs with USPO's recommendation of no criminal fine based on defendant's inability to pay. (Dkt. 21.)

1 States, in San Bernardino County, without the permission of the
2 Attorney General or the Secretary of Homeland Security.

3 On or about March 13, 2025, in San Bernardino County, within the
4 Central District of California, defendant knowingly possessed goods,
5 which had a value in excess of \$1,000, and which had been embezzled
6 and stolen from a shipment in interstate commerce. Specifically,
7 defendant knowingly possessed approximately 478 pairs of limited-
8 edition Nike Jordan 6 Rings shoes, worth approximately \$64,530, which
9 had been stolen from a Burlington Northern Santa Fe Railway train
10 while en route in interstate commerce between California and Texas.
11 At all relevant times, defendant knew the 478 pairs of shoes were
12 stolen from train heists.

13 **III. PROBATION'S OFFENSE LEVEL CALCULATIONS AND RECOMMENDATION**

14 The USPO calculated defendant's USSG Total Guidelines Offense
15 Level to be 8. The government agrees with the PSR's calculation.
16 (PSR at 3.) The USPO determined that the defendant has no criminal
17 history points, which puts him in criminal history category I. (Id.
18 ¶¶ 45-51.) Taken together, the USPO found that the Guidelines range
19 for defendant's term of imprisonment was 0 to 6 months. (Id. ¶ 73.)
20 The government agrees with these calculations.

21 **IV. GOVERNMENT'S RECOMMENDATION**

22 The Court must impose a sentence that is sufficient, but not
23 greater than necessary, to achieve the purposes set forth in 18
24 U.S.C. § 3553(a). The Court shall consider "the nature and
25 circumstances of the offense and the history and characteristics of
26 the defendant." 18 U.S.C. § 3553(a)(1). In addition, the Court
27 should fashion a sentence that reflects the seriousness of the
28 offense, promotes respect for the rule of law, provides just

1 punishment for the offense, affords adequate deterrence to criminal
2 conduct, and protects the public from future crimes of the defendant,
3 among other considerations. 18 U.S.C. § 3553(a)(2).

4 The government recommends that defendant be sentenced to (1) a
5 term of imprisonment of four months; (2) one-year of supervised
6 release to follow his term of imprisonment; and (3) a mandatory one-
7 hundred-dollar special assessment due immediately. Such a sentence
8 is sufficient, but not greater than necessary, to achieve the
9 purposes set forth in 18 U.S.C. § 3553(a).

10 1. Nature and Circumstances of the Offense

11 The Court must consider the nature, circumstances, and
12 seriousness of the offense. 18 U.S.C. §§ 3553(a)(1), (a)(2)(A).
13 Here, the government's proposed sentence reflects the seriousness of
14 defendant's crimes.

15 A four-month sentence, above the mid-range Guidelines period of
16 incarceration, accounts for defendant's conduct in this case. Within
17 a month of being removed from the United States, defendant reentered
18 the United States and was found in possession of \$64,530 worth of
19 stolen Nike sneakers. Defendant knew the sneakers had been stolen
20 from train heists.

21 2. History and Characteristics of Defendant

22 Defendant's removal and reentry, in conjunction with the conduct
23 to which he pled, warrants a term of imprisonment above the mid-range
24 of the Guidelines calculation.

25 3. Need for Deterrence and to Promote Respect for the Law

26 Given defendant's history, the recommended sentence is necessary
27 not only to deter defendant, but also to adequately deter others. See
28 18 U.S.C. § 3553(a)(2)(B) (the sentence imposed is required "to

1 afford adequate deterrence to criminal conduct," which encompasses
2 both specific and general deterrence). A term of imprisonment is
3 warranted here to adequately deter defendant from further criminal
4 conduct.

5 The government agrees with the Probation Office that defendant
6 is unable to pay a fine and not likely to become able to do so. The
7 government therefore recommends that all fines be waived. (Dkt. 21.)

8 **V. CONCLUSION**

9 For the foregoing reasons, the government respectfully recommends
10 that defendant be sentenced to four months' imprisonment, one-years'
11 supervised release, a \$100 special assessment, and no fine. The
12 government submits that this sentence is "sufficient, but not greater
13 than necessary, to comply with the purposes enumerated in 18 U.S.C. §
14 3553(a)(2)." 18 U.S.C. § 3553(a).

15 Dated: June 30, 2025

Respectfully submitted,

16 BILAL A. ESSAYLI
17 United States Attorney

18 CHRISTINA T. SHAY
19 Assistant United States Attorney
Chief, Criminal Division

20 _____
21 /s/
22 RAHUL R.A. HARI
Assistant United States Attorney

23 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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